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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,399

07/23/2003

Beverly Cox

P-120066.1.3 (UTI)(CIP)

1379

7590

10/11/2006

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EXAMINER

BAREFOOT, GALEN L

ART UNIT

PAPER NUMBER

3644

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/625,399

Applicant(s)

COX ET AL.

Examiner

Galen L. Barefoot

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6,8-9,11-12,15-18,21-23,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland (6056237) in view of Ward (2843342).

Woodland shows the backpack in fig 28, a launch tube, parachute fig 43, uses GPS, and the camera 11 pans and tilts. See col 2 lines 57-62 and col 5 lines 28-32 of Ward. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the rail of Ward for the tube of Woodland since it is a mere engineering sizing issue and further noted that foam packing, a hinge for sliding joint of Ward are all obvious modifications of the area of mechanical expedients. The carriage of Ward directly engages the fuselage.

Applicant argues that Ward does not contemplate and is incapable of preventing forward motion of the vehicle; this is not claimed.

It is noted also that Woodland discusses that his vehicle is "sontube-compatible" but it is noted that this is only "compatible" and that one of ordinary skill in the art only interested in the backpack embodiment and the knowledge of the Ward reference would see that other types of launch systems are well within his level of ordinary skill..

It is also noted that the term "adaptable" is a broad term that provides no specifics of how or what the structure is or used, since through various mechanical means all things are capable of being removed or placed in a container.

"The subject matter of a properly construed claim is defined by the terms that limit its

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scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses," (MPEP 2106)

1. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Ward as applied in paragraph above, and further in view of Siegel et al (4238093).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the gas powered launching power of Siegel et al for the rubber bands of the above combination.

It is noted that applicant argues that he uses a .45 caliber cartridge as a gas source, however this is not claimed.

2. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Ward as applied in paragraph above, and further in view of Adkins et al (4856736).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the wing arrangement of Adkins et al for the above combination since it is stable arrangement for RPVs.

3. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Ward as applied in paragraph above, and further in view of

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Thurber , Jr. et al (4530476) and Rambo et al and Lipeles cited to show well known expedient.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the power plant of Thurber (col 4, lines25-31) for that of Woodland since it is a mere substitution of equivalents and the addition of a generator on a gas powered engine is also obvious mechanical expedient. Woodland in Dtex(41) states that his powerplant arrangement includes an "alternator/generator" for generating electricity and Rambo et al (Detx (7))and Lipeles (Detx (19)) , both previously cited both state that the powerplant includes engine driven generators.

It is noted that Griffin (4678143) cited by the applicant has a carriage that directly engages the fuselage with a shear pin 35.

3. Claims 1-6,8-9,11-12,15-18,21-23,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland (6056237) in view of Ward and Griffin (4678143).

Woodland shows the backpack in fig 28, a launch tube, parachute fig 43, uses GPS, and the camera 11 pans and tilts. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the rail of Ward for the tube of Woodland since it is a mere engineer sizing issue and further noted that foam packing, a hinge for sliding joint of Ward are all obvious modifications of the area of mechanical expedients. The carriage of Ward directly engages the fuselage.

It is noted that Griffin (4678143) cited by the applicant has a carriage that directly engages the fuselage with a shear pin 35.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to engage the fuselage of the launch arrangement of the above combination with a shear pin 35 as taught by Griffin

It is also noted that the term "capable" is a broad term that provides no specifics of how or what the structure is or used, since through various mechanical means all things are capable of being removed or placed in a container.

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4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Ward and Griffin as applied in paragraph above, and further in view of Siegel et al (4238093).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the gas powered launching power of Siegel et al for the rubber bands of the above combination.

5. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Ward and Griffin as applied in paragraph above, and further in view of Adkins et al (4856736).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the wing arrangement of Adkins et al for the above combination since it is a stable arrangement for RPVs.

6. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodland in view of Ward and Griffin as applied in paragraph above, and further in view of Thurber, Jr. et al (4530476).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the power plant of Thurber (col 4, lines 25-31) for that of Woodland since it is a mere substitution of equivalents and the addition of a generator on a gas powered engine is also obvious mechanical expedient.

Ward has been used in place of Young et al who has a better date.

It is noted that applicant's remarks have been addressed in the paragraphs above.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Galen L Barefoot whose telephone number is 571-272-6898.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045.

On July 15, 2005, the Central FAX Number will change to **571-273-8300**.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the

examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

Any inquiry of a general nature or relating to the status of this application or proceedings should be directed to **800-786-9199**.

Information regarding the status of an application may also be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 19, 2006

A handwritten signature in black ink, appearing to read 'G. Barefoot', with a large, stylized loop at the end.

**Galen Barefoot
Primary Examiner
Technology Center 3644**